



LONDON N. BREED
MAYOR

CITY AND COUNTY OF SAN FRANCISCO
POLICE DEPARTMENT
HEADQUARTERS
1245 3RD Street
San Francisco, California 94158



WILLIAM SCOTT
CHIEF OF POLICE

June 26, 2019

Via email 71966-85591263@requests.muckrock.com

Anonymous Anonymous
411A Highland Ave MuckRock news
Somerville, MA

RE: Follow up Public Records Request, received June 25, 2019, Reference # P007471-041819

Dear Sir or Madam:

The San Francisco Police Department (SFPD) received your Immediate Disclosure request, dated April 18, 2019.

You requested “Immediate Disclosure Request: Electronic copies, via email, of all records prepared, owned, used, or retained by each agency (including all appendices, attachments, inline images, exhibits, or shared files referenced in or by the below requested records, and including all public records that pursuant to City of San Jose v. Superior Court (2017) 2 Cal.5th 608 may exist on personal accounts or devices) of any of the following:

- R1. all requests (including all follow-ups) made under the California Public Records Act from December 1, 2018 to December 31, 2018. In all cases, we are referring to requests made to SFPD regardless of whether CPRA, FOIA, Sunshine Ordinance or others were cited by the requestor.
- R2. all of the SFPD responses (including all responsive records, and regardless of the date) to items in R1
- R3. all requests (including all follow-ups) made under the California Public Records Act from January 1, 2019 to January 31, 2019
- R4. all of the SFPD responses (including all responsive records, and regardless of the date) to items in R3
- R5. all requests (including all follow-ups) made under the California Public Records Act from February 1, 2019 to February 28, 2019
- R6. all of the SFPD responses (including all responsive records, and regardless of the date) to items in R5
- R7. all requests (including all follow-ups) made under the California Public Records Act from March 1, 2019 to March 31, 2019
- R8. all of the SFPD responses (including all responsive records, and regardless of the date) to items in R7
- R9. all requests (including all follow-ups) made under the California Public Records Act from April 1, 2019 to April 18, 2019
- R10. all of the SFPD responses (including all responsive records, and regardless of the date) to

items in R9.”

On April 19th, the SFPD informed you that your request was not simple, routine, or otherwise readily answerable and it was considered a standard public records request that allows SFPD up to 10 days to respond.

On April 26th, the SFPD invoked the extension of time to respond pursuant to Government Code section 6253(c) because of the need to consult with another division of the agency.

On May 9th, the SFPD provided you with responsive reports of public records requests submitted to the Department for the time frame requested. Further, we informed you that your request was extremely voluminous and burdensome and we asked if you would kindly prioritize the requests you seek responsive records for by providing us with the requests’ associated reference number. Finally, we also provided you with the SFPD’s production to reference no. P007191. Request for “...a list of every California Public Records Act request made from Jan. 1 to the date of this request that falls under the parameters of SB1421.”

In return, the SFPD received your compromise proposal for the following:

Updated Public Records request

You requested, “SFPD releases to us those responses from the list you sent us for which SFPD has already released records under SB 1421, starting with the most recent such response and working backward. Specifically this includes any request whose description or body includes any of these case-insensitive keywords: "1421" "SB1421" "misconduct" "dishonesty" "shooting" "beating" "use of force" "internal affairs" "internal investigation" "sexual assault" "perjury" "falsification" "camera" "bodycam" "body-worn" "body worn.””

On May 14th, the SFPD provided you with all the responsive records it had released on an incremental or rolling basis pursuant to Senate Bill 1421, to date. Please see below.

On April 12th, the SFPD released documents labeled: “100609942 – responsive 1 through 5,” in response to the following public records requests:

Reference # I006464
Reference # P006626
Reference # P006643
Reference # P007322
Reference # P006443
Reference # P007323
Reference # P007383
Reference # P006539

On May 10th, the SFPD released documents labeled: “110460706 – responsive 1 through 8,” in response to the following public records requests:

Reference # I006464
Reference # P006626
Reference # P006643
Reference # P007322
Reference # P006443
Reference # P007323
Reference # P007383
Reference # P006539

Reference # P006455
Reference # P006540
Reference # P007476
Reference # P006619

The responsive records in these productions include the following:

- Incident Report
- Homicide Report
- Internal Affairs Report
- Return to Duty Report
- District Attorney Report
- Firearm Discharge Review Board Report
- Medical Examiner Report
- Transcript of radio communication
- Transcripts of interviews with officers
- Crime Scene Report including photographs

Please note, redactions have been made to these records pursuant to the following exemptions:

- Penal Code § 832.7(b)(5)(A) – personal data or information, such as a home address, telephone number, or identities of family members, other than the names and work-related information of peace and custodial officers.
- Penal Code § 832.7(b)(5)(B) – to preserve the anonymity of complainants and witnesses.
- Penal Code § 832.7(b)(5)(C) – to protect confidential medical, financial, or other information of which disclosure is specifically prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force by peace officers and custodial officers.
- Penal Code § 832.7(b)(5)(D) – disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person.
- Penal Code § 832.7(a) - except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and

shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.

- Penal Code § 11105 et. seq. - CORI data (personal identifiable criminal history) and CLETS data (California Law Enforcement Telecommunications Systems).
- California Government Code Section 6254(f), which exempts from disclosure records of complaints to, investigations conducted by, intelligence information or security procedures of, and investigatory or security files compiled by local police agencies.
- California Code of Civil Procedure § 129 – photographs of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a post mortem examination or autopsy.

Finally, the SFPD informed you that we interpreted your public records request as fulfilled, as the produced documents were the two production sets that were released in response to requests made under Senate Bill 1421, to date.

On June 25th, the Legal Division received a hard copy of your follow up public records request. Please note, we were not in receipt of the follow up emails you sent to SFPD Media Relations. Unfortunately Media Relations believed the follow up emails were auto generated emails from MuckRock and therefore they were not forwarded to the Legal Division to process. We apologize for the confusion. In the future, to avoid any delays, you may follow up or make a separate request directly via the GovQA portal on our website.

As for your request for the following:

“I am further making an Immediate Disclosure Request for all emails to or from SFPD email accounts sent to or from "71966-85591263@requests.muckrock.com", and all forwards/replies thereto, between May 20 and June 24, inclusive.

Responsive records are included in this correspondence.

Additionally, you requested:

Q1. “We see no bodycam footage released in those records you provided. Was there any?”

The SFPD has no responsive records to your request. The officers subject to the records released were not equipped with body worn cameras at that time.

Questions 1 and 2 are consolidated. You requested, “Referencing Bates numbers from your records:

1. SFPD 110460706-000024 (OIS — IAD CASE #11-002) - please provide this page in its entirety without redactions. If you refuse, and retain redaction, state statutory authority for this specific page.

2. SFPD 110460706-000024 (OIS — IAD CASE #11-002) - Please provide the "attached records" mentioned in the final line of this page.”

Response to items 1 and 2:

The information requested is exempt from disclosure pursuant to the following:

Penal Code § 832.7(a) - except as provided in subdivision (b), the personnel records of peace officers and custodial officers and records maintained by any state or local agency pursuant to Section 832.5, or information obtained from these records, are confidential and shall not be disclosed in any criminal or civil proceeding except by discovery pursuant to Sections 1043 and 1046 of the Evidence Code.

3. You requested, “SFPD 100609942-00144 - Please provide the video referenced therein.”

The SFPD has provided you with all the responsive records it has released on an incremental or rolling basis pursuant to Senate Bill 1421, to date.

Thank you for your cooperation in this regard.

Sincerely,

San Francisco Police Department
Legal Division